

COMBINED NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES & PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. 1.136(a) (Small Entity)

Docket No.
13388

In Re Application Of: **Cristobal Guillermo dos Remedios, et al.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/778,259	February 7, 2001	Changhwa J. Cheu	23389	1641	4496

Invention: **BIOMOLECULAR TOXICITY ASSAY**

COMMISSIONER FOR PATENTS:

This is a combined Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences and petition under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of May 13, 2009 in the above-identified application.
Date

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated **May 13, 2009** finally rejecting Claim(s) **38, 42-48**

Applicant(s) hereby request(s) an extension of time of (check desired time period):

One month Two months Three months Four months Five months

from: August 13, 2009 until: November 13, 2009
Date *Date*

The fee for the Notice of Appeal and Extension of Time has been calculated as shown below:

Fee for Notice of Appeal: \$270.00

Fee for Extension of Time: \$555.00

TOTAL FEE FOR NOTICE OF APPEAL AND EXTENSION OF TIME: \$825.00

The fee for the Notice of Appeal and extension of time is to be paid as follows:

- A check in the amount of _____ for the Notice of Appeal and extension of time is enclosed.
- Please charge Deposit Account No. **19-1013/SSMP** in the amount of **\$825.00**
- The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. **19-1013/SSMP**
 - Any additional filing fees required under 37 C.F.R. 1.16.
 - Any patent application processing fees under 37 CFR 1.17.
- If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. **19-1013/SSMP**
- Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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TO THE COMMISSIONER FOR PATENTS:

This combined Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences and petition for extension of time under 37 CFR 1.136(a) is respectfully submitted by the undersigned:



Signature

Dated: November 13, 2009

Xiaochun Zhu
Reg. No. 56,311
Scully, Scott, Murphy & Presser, P.C.

Certificate of Transmission by Facsimile*

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____
(Date)

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cc: XZ:ab